



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

Tuesday, October 18, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda**

Tuesday, October 18, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

7(A)	7(F)
8(D)(1)(A), 8(D)(1)(B), 8(D)(1)(C), 8(D)(1)(D), 8(D)(1)(E) & 8(D)(1)(F)	8(I)(1)(A)
8(K)(1)(A)	8(K)(1)(E)
11(A)(7)	11(A)(36)
11(A)(42)	

Supplementary information for the below listed items are attached for your consideration in this Legislative Analysis.

1(D)(1), 1(D)(2) & 1(D)(3)	12(A)(1)
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:

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LEGISLATIVE ANALYSIS

ORDINANCE AMENDING THE PENALTY PROVISION OF SECTION 21-31.2 OF THE MIAMI-DADE COUNTY CODE WHICH REQUIRES CERTAIN STORES TO POST ALCOHOL WARNING SIGNS AND PROHIBITS THE DRINKING OF ALCOHOLIC BEVERAGES OR POSSESSION OF OPEN CONTAINERS WITHIN 100 FEET OF LOCATIONS INCLUDING AMONG OTHER THINGS PACKAGE STORES AND RELIGIOUS PROPERTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

Senator Javier D. Souto

I. SUMMARY

This ordinance increases penalties for violations of §21-31.2 regarding the posting of alcohol warning signs requirements, and the prohibition of drinking or possessing of alcohol in open containers near stores selling alcoholic beverages, religious property, and other locations.

II. PRESENT SITUATION

Section 21-31.2 requires certain stores to post two different alcohol warning signs and prohibits the consumption or possession of any alcoholic beverage while within one hundred (100) feet of any package store or food store selling alcoholic beverages, property regularly used for religious purposes, community center, senior citizens' center, day care center, funeral home, or school. This section provides the following penalties for violations:

- (d) *Penalties.* A first violation of this section will be punishable by a fine of fifty dollars (\$50.00); a second violation of this ordinance will be punishable by a fine of one hundred dollars (\$100.00); the third and each additional violation of this section will be punishable by a fine not less than one hundred fifty dollars (\$150.00) or greater than three hundred dollars (\$300.00), or by imprisonment not less than ten (10) days or greater than thirty (30) days in jail, or both. (Emphasis added)

Section 8CC-10 of the Code provides a \$500.00 civil penalty for violations of §21-31.2(b)(3) as well as violations of §21-31.2(b)(3) (alcohol warning signs). The Consumer Services Department (CSD) is tasked with the countywide enforcement of the requirement to post alcohol warning signs while law enforcement personnel oversees enforcement of open container violations.

CSD issues civil violation notices that carry the \$500.00 civil fine. The enforcement of open container violations is enforced pursuant to subsection (d)

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shown above. Courts have been hesitant to hear open container violation cases because they have viewed the penalties for first and second violations as civil in nature. The Miami-Dade County State Attorney's Office has indicated that it will no longer prosecute these type of cases.

III. POLICY CHANGE AND IMPLICATION

The proposed ordinance criminalizes all violations of §21-31.2 allowing for prosecution of violations in County Court. It will allow continued enforcement of violations by law enforcement personnel. It also brings the monetary amount of the criminal fine up to par with the civil fines for failure to post alcohol warning signs.

IV. ECONOMIC IMPACT

Counties in Florida must contract with the State Attorney's and Public Defender to provide for prosecution and defense of local ordinance violations in court. Miami-Dade County has entered into the necessary agreements to fund prosecution and defense of local ordinance violations.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

*ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-133 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO RIGHT-OF-WAY
PLAN AND MINIMUM WIDTH OF STREETS AND WAYS*

Department of Planning and Zoning

I. SUMMARY

This Ordinance will amend Section 33-133 of the Code allowing for the minimum right-of-way for NW 74th Street from the Palmetto Expressway to the Homestead Extension of Florida's Turnpike to be changed from 80 to 126 feet.

II. PRESENT SITUATION

Presently, NW 74th Street between the Palmetto Expressway and the Homestead Extension of Florida's Turnpike is a dirt roadway and the right-of-way allowed is the standard 80 feet.

III. POLICY CHANGE AND IMPLICATION

Miami-Dade County has plans to construct a three lane roadway along NW 74th Street. Once constructed, the Florida Department of Transportation plans to widen 74th Street to a six lane roadway; therefore, the change to a 126 foot official right-of-way is in keeping with the future plans of this area.

Staff is working with the developers of the surrounding properties to set aside enough land to implement the right of way plans.

IV. ECONOMIC IMPACT

There are no economic impacts expected for the County. The roadway is dedicated lands and its construction cost is covered by the land owners as mitigation for development.

V. COMMENTS AND QUESTIONS

During the June 14th INLUC meeting, the Committee Members requested the County Manager to work with the attorney of a private land owner to resolve an issue with FDOT. Prior to the drafting of this ordinance, the land owner was in negotiations with FDOT to purchase 23 feet of the land owner's property for the six lane roadway.

On October 13, 2005, staff met with the owner's attorney to negotiate a favorable agreement. These discussions are ongoing the outcome will be presented to the Board on October 18, 2005.

LEGISLATIVE ANALYSIS

ITEM 8(D)(1)(A) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5.13 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND SERGIO A. RIVERA AND MERCEDES RIVERA AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

ITEM 8(D)(1)(B) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5.00 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND RASSOUL ABTAHI AND THARION ABTAHI AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

ITEM 8(D)(1)(C) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10.00 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND DATA PAX CORPORATION AS SELLER; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

ITEM 8(D)(1)(D) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5.00 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND JAMES WHITE JR. AND JUDITH F. WHITE AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

ITEM 8(D)(1)(E) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 8.11 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND JUAN GOL AND FRANCISCA GUASCH DE GOL AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

BCC ITEMS 8(D)(1)(A), 8(D)(1)(B), 8(D)(1)(C), 8(D)(1)(D), 8(D)(1)(E), & 8(D)(1)(F)
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ITEM 8(D)(1)(F) RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 4.73 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND TAM T. MARTINEZ AS SELLER; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN

Department of Environmental Resources Management

SUMMARY

Proposed Resolutions would allow the County to acquire a total of 37.97 acres of South Dade Wetlands in association with the Environmentally Endangered Lands (EEL) Program.

PRESENT SITUATION

The Land Acquisition Selection Committee has identified 30,708 acres of South Dade Wetlands to acquire, protect and restore under the EEL Program; 16,150 acres remain as 'Priority A' for acquisition (see Attachment).

In January 2004, the County hired Investors Research Associates, Inc. to conduct appraisals of 174 parcels in the South Dade Wetlands. All of the appraised properties, including the properties of Items 8(D)(1)(A) through 8(D)(1)(F), are located east of US-1 between paved S.W. 328th Street on the north and unpaved S.W. 360th Street on the south in extreme southern Miami-Dade County.

The properties were grouped by locational and physical characteristics with each group of properties valued on a generic basis. By and large, location, development and/or zoning approvals determined the appraised value of the parcels assessed by Investors Research Associates, Inc. The highest appraised value going to those zoned or master planned for development.

All of the six properties, Analysis Items 8(D)(1)(A) through 8(D)(1)(F), are considered in the appraisal.

POLICY IMPLICATIONS

The acquisition of lands under Items 8(D)(1)(A) through 8(D)(1)(F) make up only a small percentage (0.23%) of the South Florida Wetlands identified by the EEL Program for acquisition by the County. The purchasing price is in keeping the appraised value.

What follows is a comparison of Items 8(D)(1)(A) through 8(D)(1)(F).

BCC ITEMS 8(D)(1)(A), 8(D)(1)(B), 8(D)(1)(C), 8(D)(1)(D), 8(D)(1)(E), & 8(D)(1)(F)
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Item No.	Acreage	Zoning	Proposed Purchase Price	Funding Source
8(D)(1)(A)	5.13	GU (interim district) – 1 house per 5 acres only	\$38,500 (\$7,505 per acre)	Building Better Communities GOB
8(D)(1)(B)	5.00	GU (interim district) – 1 house per 5 acres only	\$40,000 (\$8,000 per acre)	Building Better Communities GOB
8(D)(1)(C)	10.00	GU (interim district) – 1 house per 5 acres only	\$75,000 (\$7,500 per acre)	Building Better Communities GOB
8(D)(1)(D)	5.00	GU (interim district) – 1 house per 5 acres only	\$40,000 (\$8,000 per acre)	Building Better Communities GOB
8(D)(1)(E)	8.11	Agriculture District (1 house and agriculture use)	\$89,200 (\$10,999 per acre)	Building Better Communities GOB
8(D)(1)(F)	4.73	GU (interim district) – 1 house per 5 acres only	\$42,600 (\$9,006 per acre)	Building Better Communities GOB

ECONOMIC IMPACT

The total cost of the properties, Items 8(D)(1)(A) through 8(D)(1)(F), is \$325,300.

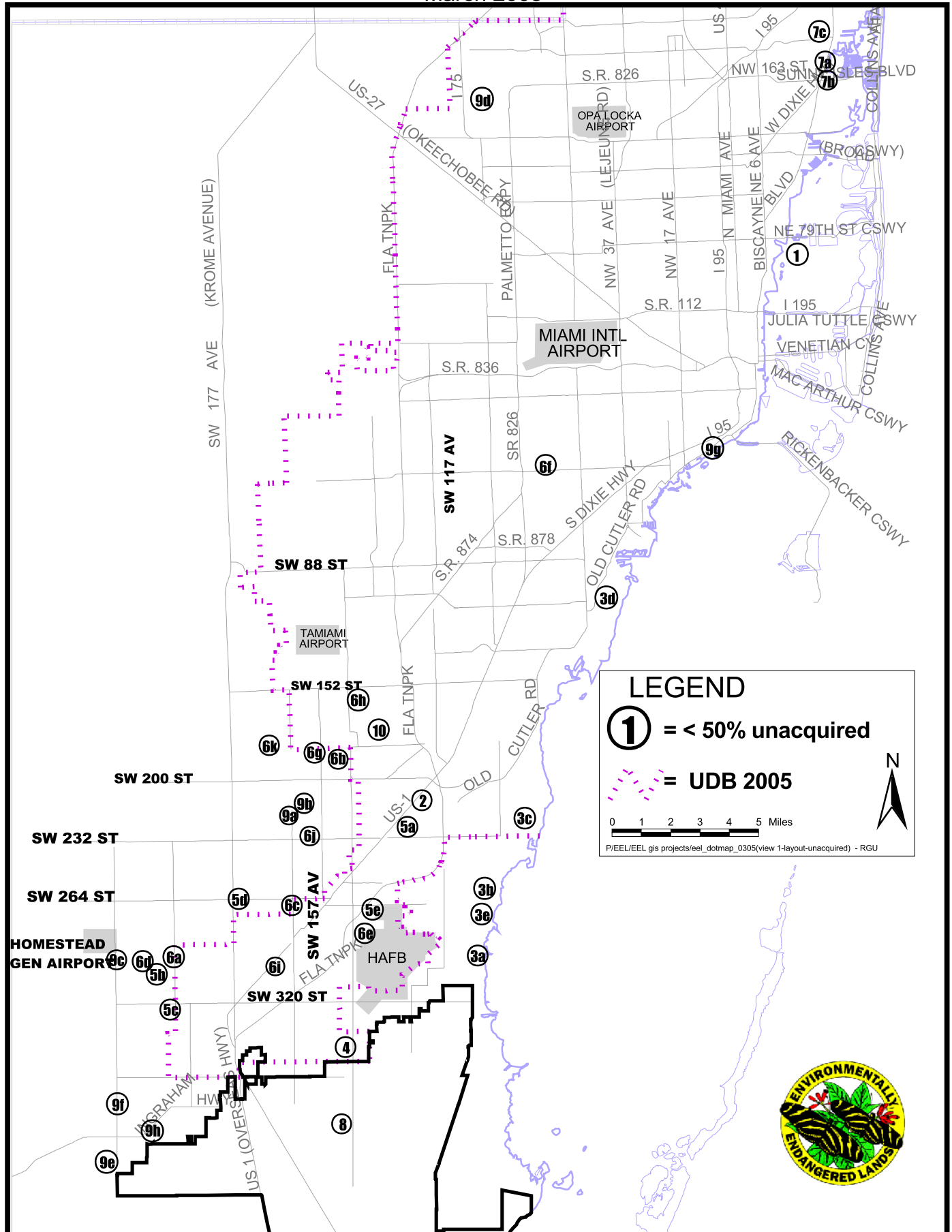
COMMENTS AND QUESTIONS

None.

UNACQUIRED PROJECTS

Environmentally Endangered Lands Program
March 2005

**Environmental
Resources
Management**



UNACQUIRED PROJECTS: Environmentally Endangered Lands Program

March 2005

MAP #	SITE	ACRES	LOCATION	PRIORITY A or B
1	Bird Key (Mangrove)	37.5	NW 79 St. & Bisc. Bay	A
2	Black Creek Forest (Pineland)	43	SW 216 St. & SW 112 Ave.	A
3	Coastal Wetlands:			
3a	Biscayne Wetland	445	SW 280 St. & SW 107 Ave.	A
3b	Black Point Wetlands	271	SW 248 St. & SW 97 Ave.	A
3c	Cutler Wetlands	798	SW 196 St. & SW 232 St.	A
3d	R. Hardy Matheson Preserve Addition	41	Old Cutler Rd. & SW 108 St.	A
3e	Biscayne Wetlands North Addition	300	SW 270 St. & SW 107 Ave.	B
4	Friends-of-the-Everglades Wetlands	3,725	SW 344 St. & SW 137 Ave.	A
5	Miami Rockridge Pinelands:			
5a	Goulds Addition	35.8	SW 232 St. & SW 117 Ave.	A
5b	Kings Highway	31.1	SW 304 St. & SW 202 Ave.	B
5c	Navy Wells #2	20	SW 328 St. & SW 197 Ave.	A
5d	Owaissa Bauer Addition #2	10	SW 264 St. & SW 175 Ave.	A
5e	School Board	18.7	SW 268 St. & SW 129 Ave.	A
6	Other Rockridge Pinelands:			
6a	Bowers Pineland	10	SW 296 St. & SW 197 Ave.	A
6b	Calderon Pineland	17.5	SW 192 St. & SW 140 Ave.	A
6c	Hattie Bauer Pineland	5	SW 266 St. & SW 157 Ave.	A
6d	Northrop Pineland	12	SW 296 St. & SW 207th Ave.	A
6e	Notre Dame Pineland	32	SW 280 St. & SW 132 Ave.	B
6f	Pino Pineland	1.9	SW 39 St. & SW 69 Ave.	A
6g	Railroad Pineland	18.2	SW 184 St. & SW 147 Ave.	B
6h	Richmond Complex	354	SW 152 St. & SW 130 Ave.	A
6i	Seminole Wayside Park Addition	5.5	SW 300 St. & US-1.	A
6j	Silver Palm Addition	19	SW 232 St. & SW 152 Ave.	A
6k	Wilkins Pierson	20	SW 184 St. & SW 164 Ave.	A
7	Oleta River Corridor (Coastal Wetlands) :			
7a	Tract A	2.7	NE 171 St. & US-1	A
7b	Tract B	8	NE 165 St. & US-1	A
7c	Tract D	7.8	NE 191 St. & NE 24 Ave.	A
8	South Dade Wetlands	16,150	SOUTH DADE COUNTY	A
9	Tropical Hammocks of the Redlands:			
9a	Castellow #31	10	SW 218 St. & SW 157 Ave.	A
9b	Chernoff Hammock	5	SW 218 St. & SW 154 Ave.	A
9c	Homestead General Airport Hammock	4	SW 296 St. & SW 217 Ave.	A
9d	Maddens Hammock	60	NW 154 St. & SW 87 Ave.	B
9e	Round Hammock	32.6	SW 408 St. & SW 220 Ave.	A
9f	SW Island Hammock	12.5	SW 392 St. & SW 207 Ave.	A
9g	Vizcaya Hammock Addition	2	3300 South Miami Ave.	A
9h	Hammock Island	100	SW 360 St. & SW 217 Ave.	B
10	Miami Metrozoo	233	12400 SW 152 St.	A

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

MUTUAL AID AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE CHILD ABDUCTION RESPONSE TEAM AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT.

Miami-Dade Police Department

I. SUMMARY

This item would create a mutual aid agreement between the Miami-Dade County Police Department, the Florida Department of Law Enforcement and 21 other police departments participating in the four-county Child Abduction Response Team (CART).

II. PRESENT SITUATION

Currently, the Miami-Dade Police Department has six missing persons detectives who work on abduction cases in Miami-Dade County. The below chart lists the number and types of abduction cases that the department has investigated in 2004 and 2005.

Miami-Dade Police Department <i>Child Abduction Cases</i>		
	2004	2005 (YTD)
Parental Abductions	1	0
Non-Parental Abductions	0	6 (2 were attempts)

Source: MDPD

This agreement relates solely to the creation of a child abduction response team; however, MDPD has existing mutual aid agreements with other law enforcement agencies regarding cooperation in states of emergency and various types of investigations.

III. POLICY CHANGE AND IMPLICATION

Created by the Florida Department of Law Enforcement in February 2005, the Child Abduction Response Team is intended to provide participating departments with a pool of specialized detectives to investigate abduction cases within a specific region.

Miami-Dade County will be the principal site of the South Florida CART, which will cover primarily Palm Beach, Broward, Miami-Dade and Monroe Counties. However,

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CART members could be asked to participate in investigations outside of the South Florida region. The South Florida CART will be administered by the FDLE.

Any participating department can request the assistance of the CART. Participation in the CART is voluntary, as such, any department has the right to decline a request to participate in a CART investigation in another jurisdiction. Individual departments are responsible for costs associated with participating in a CART investigation.

IV. ECONOMIC IMPACT

This mutual aid agreement will have an unknown financial impact on Miami-Dade Police Department in the form of possible overtime, travel costs and other resource allocations related to the various CART investigations. Costs will depend on the resources the County allocates to the individual CART investigations.

Conversely, the Department could realize some cost savings by having access to additional CART man power and resources should the County request CART assistance.

V. COMMENTS AND QUESTIONS

This Mutual Aid Agreement meets the requirements of Florida Statutes, Part 1, Chapter 23, which defines a mutual aid agreement as:

A voluntary cooperation written agreement between two or more law enforcement agencies, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, or establishing a joint city-county traffic enforcement task force.

Florida State Statute, Part 1, Chapter 23.1225, (1) (a)

BCC ITEM 8(K)1(A), 8(K)1(B)

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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

8(K)1(A) TARGETED JOBS INCENTIVE FUND PROGRAM PARTICIPATION FOR DBK CONCEPTS, INC.

8(K)1(B) TARGETED JOBS INCENTIVE FUND PROGRAM PARTICIPATION FOR COLONIAL PRESS INTERNATIONAL, INC.

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development recommends that the Board of County Commissioners approve the Targeted Job Incentive Fund (TJIF) applications for:

- Colonial Press International, Inc., a web and sheet-fed printing company proposing to expand its offices in District 2.
- DBK Concepts, Inc., a computer services company proposing to construct a new national headquarters in District 9.

II. PRESENT SITUATION

The TJIF is an initiative by The Beacon Council and Miami-Dade County patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI). The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Item Number	Project Name	New Jobs	Capital Investment	Miami-Dade New Incremental Tax Revenue Generated	Incentive Award	Net Revenue Benefit to Miami-Dade
4B	DBK Concepts, Inc.	130	\$2,250,000	\$85,988	\$71,500	\$14,488
4C	Colonial Press International, Inc.	14	\$6,250,000	\$175,822	\$158,240	\$17,582

TJIF is funded by general revenue funds.

V. COMMENTS AND QUESTIONS

Both companies are located within Miami-Dade County, and are applying for these funds to expand or renovate their existing businesses within County boundaries. Neither company has expressed that they are looking to relocate to areas outside of the county.

- *Some have expressed concern that it is not necessary to offer these incentives to businesses which are only expanding/renovating in Miami-Dade County and are not threatening to relocate to other areas.*

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

AGENDA ITEM APPROVING THE REPROGRAMMING OF CDBG, HOME AND HATF FUNDS

Office of Community and Economic Development

I. SUMMARY

This item recaptures a total of \$3.7 million in federal Community Development Block Grant (CBDG) funds, Home Investment Partnership (HOME) funds, and Hurricane Andrew Trust Funds (HATF) from projects that were completed with a surplus, projects with expired contracts and projects which failed to use their funds. This item also reallocates funds to 52 activities.

II. PRESENT SITUATION

The Office of Community and Economic Development (OCED) identified 178 funded activities which were either completed with a surplus, the projects' contract expired, or the projects are no longer feasible.

III. POLICY CHANGE AND IMPLICATION

This item reallocates funds to 52 activities which are feasible. In identifying these 52 activities, OCED reviewed requests for additional funding, and revisited those activities that did not receive full funding when the original RFA was issued by the Board of County Commissioners for FY 2005. OCED also consulted with County Commissioners, the Manager's Office, and agencies in compiling the list of activities that would receive reprogrammed funds.

U.S. HUD compliance standard is that entitlements' expenditure rates should be equal to or less than 1.5 times the amount of its annual allocation. The County has been in compliance with this standard for the past two years. The reprogramming of these funds will not affect our 1.5 ratio.

IV. ECONOMIC IMPACT

Funding Source	Recaptured Amount
Community Development Block Grant Funds	\$2,375,833.51
Home Investment Partnership funds	\$1,184,000
Hurricane Andrew Trust Funds	\$154,000
Total	\$3,713,833.51

V. COMMENTS AND QUESTIONS

While some projects will receive additional funds through this resolution, it is important to note that CDBG funds could be cut significantly on the federal level in future years. Miami-Dade County has experienced an 18 percent cut in CDBG funds since 2003; even while the County's population increases yearly. Likewise, as more municipalities are formed (creating separate entitlements), the County's share of CDBG dollars will continue to decline.

Members of the Community Empowerment and Economic Revitalization committee have requested staff to prepare a report detailing the distribution of CDBG dollars, and include in such report an assessment of whether the funds are being programmed to meet the strategic areas outlined by the federal government.

Answers provided by OCED:

Q: How long do these agencies have to spend the reallocated money before the funds must be returned to U.S. HUD? Please explain how OCED will ensure that these reallocated funds will be spent in a timely manner.

A: The existing contracts will be extended based on the dollars and scope to be met. Some might be extended for a year or less. The need is such that we have no doubt that these dollars will be spent.

Q: Could you provide the County's CDBG expenditure ratio (per year) for the last three years?

A. As of 10/31/2003 1.14
 As of 10/31/2004 1.09
 As of 10/01/2005 1.34

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT A JOINT RESOLUTION TO PLACE ON THE STATEWIDE BALLOT A CONSTITUTIONAL AMENDMENT PROVIDING HOMEOWNERS AGE 55 AND OLDER OR WHO ARE TOTALLY AND PERMANENTLY DISABLED A ONE-TIME TRANSFER OF THE "SAVE OUR HOMES" ASSESSED VALUE IN THEIR PRESENT HOMESTEAD PROPERTIES TO SMALLER, LESS EXPENSIVE REPLACEMENT HOMES IN THE SAME COUNTY WITHIN ONE YEAR OF THE SALE

Commissioner Katy Sorenson, Commissioner Bruno A. Barreiro,
Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman,
Commissioner Barbara J. Jordan, Commissioner Dennis C. Moss,
and Commissioner Natacha Seijas

I. SUMMARY

This resolution urges the Florida Legislature to enact a joint resolution to amend the Florida Constitution, to allow a one-time carryover of the Save Our Homes value when a homeowner who is 55 or older or who is totally or permanently disabled sells a homestead property and buys a new homestead property that is no larger or more expensive. The Save Our Homes value is the difference between the market value and the taxable assessed value.

II. PRESENT SITUATION

Under Art. VII, Sec. 6, Fla. Const., every U.S. citizen or legal resident that has legal or equitable title to real property in the State of Florida and who resides thereon and in good faith makes it their permanent home as of January 1st, is entitled to a \$25,000 homestead exemption.

The Save Our Homes amendment was a constitutional revision to Art. VII, Sec. 4(c), Fla. Const., that took effect January 1, 1995, which annually limits the increase in the assessment of homesteaded properties at 3% or the Consumer Price Index (CPI), whichever is less. If the owner sells the property then the homestead exemption is removed and the assessed value (capped value) increases to the market value based on market activity and as estimated annually as of January 1st each year by the Property Appraiser.

Miami-Dade County and several municipalities in the County have, through adoption of an ordinance pursuant to Art. VII, Sec. 6(f), Fla. Const., granted an additional homestead tax exemption of \$25,000 to resident homeowners who have legal or equitable title to the real estate, who are at least 65 years of age on January 1 of the year for which the application for exemption is made and whose annual household adjusted gross income for the prior year does not exceed \$20,000, as adjusted for inflation. Approximately 42,000 residents in Miami-Dade County claim this additional exemption.

III. POLICY CHANGE AND IMPLICATION

This resolution urges the Florida Legislature to enact a joint resolution to amend the Florida Constitution, to allow a one-time carryover of the Save Our Homes value when a homeowner buys a new homestead property:

- when the person is 55 or older or who is totally or permanently disabled,
- buys a smaller or same size homestead property,
- that is priced the same or is less expensive,
- in the same county.

This resolution continues County policy of supporting property tax relief for seniors. The Commission approved a similar resolution for the 2005 Session.

IV. ECONOMIC IMPACT

The capped value of homestead property under Save Our Homes reduces the ad valorem taxes paid by certain homeowners. This benefit disappears when the homeowner sells the property. Consequently, homeowners may feel discouraged from selling homesteaded property, thus reducing the number of homes on the market, especially the larger homes of “empty nest” persons.

The carryover of the reduced assessments will maintain the corresponding shift of the tax burden to non-homestead property.

V. COMMENTS AND QUESTIONS

The Florida Legislature convenes in March for the 2006 Session. Recently filed legislation, HJR 33, HJR 39, HJR 239, SJR 112, SJR 138, and SJR 184 would provide a more expansive carryover of the Save Our Homes cap on assessments whenever a person is buying a new homestead property, but with alternative provisions, such as:

- the carryover is not limited to those 55 or older or the disabled
- the carryover is not limited to a smaller home
- the carryover is limited to a home up to 10% larger
- the carryover is limited to a more expensive home
- the person has two years to establish a new homestead

In addition, SJR 22 provides for a Save Our Homes cap on assessments for all residential and commercial property, not just homestead property. HJR 239 provides for a county option to subtract up to \$250,000 of the value of a former homestead from the market value of the new homestead.

The Revenue Estimating Conference has not yet estimated the financial impact of any of these proposals.

LEGISLATIVE ANALYSIS

RESOLUTION DIRECTING THE COUNTY MANAGER TO TAKE STEPS NECESSARY TO ALLOW THE EXPEDITIOUS EXPENDITURE OF ROAD IMPACT FEES FOR MASS TRANSIT ROADWAY CAPACITY ENHANCEMENT IN CERTAIN INFILL AND REDEVELOPMENT AREAS, AND FURTHER DIRECTING THE COUNTY MANAGER TO REPORT ON STEPS TAKEN AND TO RECOMMEND APPROPRIATE CHANGES TO ROAD IMPACT FEE EXPENDITURE PRIORITIES WHEN SUCH MASS TRANSIT EXPENDITURES ARE ALLOWABLE

Commissioner Carlos A. Gimenez

I. SUMMARY

This item directs the County Manager to take steps necessary to enable the use of Road Impact Fees for mass transit related projects in areas where the construction of additional lane miles is not feasible.

II. PRESENT SITUATION

Currently, the Public Works Department assesses Road Impact Fees on all new development in order to offset the impact on County Roads and infrastructure.

According to the Manager's FY 2005-2005 Proposed Resource Allocation plan, the County is anticipating revenues derived from Road Impact Fees in the area of \$30 million. These funds are designated for Capital Projects.

Broward County is the closest community which currently assesses a Transit Impact Fee in similar instances.

III. POLICY CHANGE AND IMPLICATION

This change would allow for an expanded use of these impact fees.

This may necessitate an ordinance expanding and/or amending the allowable uses of Road Impact Fee Revenues, or the creation of a **Transit Impact Fee** in lieu of Road Impact Fee in urbanized areas where road expansion is not feasible.

There may be a change in which department controls the revenues derived for transit purposes. The Public Works Department currently controls all Road Impact Fee Revenues. Should any part of these revenues be utilized for transit related projects, it is likely that Miami-Dade Transit would control those revenues.

IV. ECONOMIC IMPACT

Unless a new type of Fee (i.e.-Transit Impact Fee) is created with a different formula to assess such fee, there will be no impact to revenues positive or negative.

V. COMMENTS AND QUESTIONS

Broward County imposes Transit Impact fees in lieu of Road impact fees in the following manner:

Transit Impact Fees

Effective March 1, 2004, transit impact fees will be assessed and paid, prior to construction approval by the Broward County Department of Urban Planning & Redevelopment, regardless of whether platting required.

Fees are charged for all new residential units and renovations that increase the number of dwelling units, and/or change the type of unit; and all new non-residential development, additions and renovations that increase the number of gross square feet (as defined in the Land Development Code) of any use and/or introduce a new use.

The fees are assessed in the area designated as the “Urban Infill/Redevelopment Area” or “Exception Area,” on the Road Impact Fee Assessment Zone Map and are for a specific use, based upon a fee schedule.

Attachment 1 – Broward County Transit Impact Fee Schedule.

Attachment 2 – City of San Francisco Transit Impact Fee Ordinance.

Attachment 3 – Current Miami-Dade County Road Impact Fee District Map and proposed projects for FY 2005-2006.

Attachment 4 – Other Innovative Impact Fees established throughout the United States.

Department of Urban Planning and Redevelopment
Development Management Division
TRANSIT IMPACT FEE SCHEDULE (2005-2006)
Current Ordinance Schedule Only
Effective October 1, 2005

Type of Development	Unit	Ordinance 2003-22
Single Family	Dwelling Unit	\$443
Townhouse	Dwelling Unit	\$246
Garden Apartment	Dwelling Unit	\$267
Mobile Home	Dwelling Unit	\$246
High Rise	Dwelling Unit	\$162
Retirement Community	Dwelling Unit	\$118
Hotel/Motel	Room	\$312
Office: < 50,000 sq.ft.	1,000 sq.ft.	*****
Office: 50,000 + sq.ft.	1,000 sq.ft.	*****
Office	1,000 sq.ft.	\$641
Industrial	1,000 sq.ft.	\$347
Industrial	Acre	\$6,045
Commercial : 20,000 sq.ft. or less	1,000 sq.ft.	\$1,502
Commercial : > 20,000 sq.ft. and < 200,000 sq.ft.	1,000 sq.ft.	*****
Commercial : > 200,000 sq.ft.	1,000 sq.ft.	*****
Commercial : > 20,000 sq.ft.	1,000 sq.ft.	\$1,098
Hospital	1,000 sq.ft.	\$479
Park	Acre	\$244
Church	1,000 sq.ft.	\$290
Marina	Boat Berth	\$83
Nursing Home	Bed	\$88
Golf Course	Acre	\$132
Bank	1,000 sq.ft.	\$2,903
Auto Dealership	1,000 sq.ft.	\$1,230

For use not specified in the above table, the fee per unit shall be set by multiplying **\$440** per peak hour trip by the trip generation rate for such use as documented in "Trip Generation" published by the Institute of Transportation Engineers, or if such method is not available, other wise derived according to generally accepted professional standards.

NOTE: These fees apply only to property located within the area designated on the Broward County Land

Transit Impact Development Fee: San Francisco Municipal Railway, San Francisco, California. Chapter IV (2) in *Funding Strategies for Public Transportation (Part B)*. Transit Cooperative Research Program (TCRP) Report 31 Volume 2, pg: 55-66. National Academy Press: Washington D.C. 1998.

Downtown development in the late 1970s led the city and county of San Francisco (referred to as San Francisco) to enact an ordinance to collect a Transit Impact Development Fee (TIDF). The ordinance that authorized the fee was passed by the San Francisco Board of Supervisors in April 1981. The fee was designed to recover the operating subsidy and capital expansion costs of the San Francisco Municipal Railway (MUNI).

Key Features of the Ordinance

- a) *Justification.* The fee is only on new office development, as office workers are the primary users of transit; uses such as shopping and lunching that complement office space are exempt. There is a clear definition of the area where the fee applies
- b) *Calculation of the fee.* The fee is charged one time to cover the cost of providing transit services over the 45-year useful life of an office building. The fee is per square foot, the maximum being \$5/sq ft.
- c) *The manner in which proceeds will be used to serve the developments that pay the fee.* The money is transferred from the TIDF account to Muni's operating revenue fund to cover the incremental operating costs attributable to downtown office development. Muni can withdraw money to pay the salaries of staff administering the impact fee program or to pay for the incremental capital costs generated by the ridership. For example, the money may be used to expand a bus shelter that has been overcrowded by people commuting to the new office space; or if more buses are required to serve capacity on downtown routes, the impact fee

funds can be used to purchase the buses and pay for the salaries of the operators and bus maintenance.

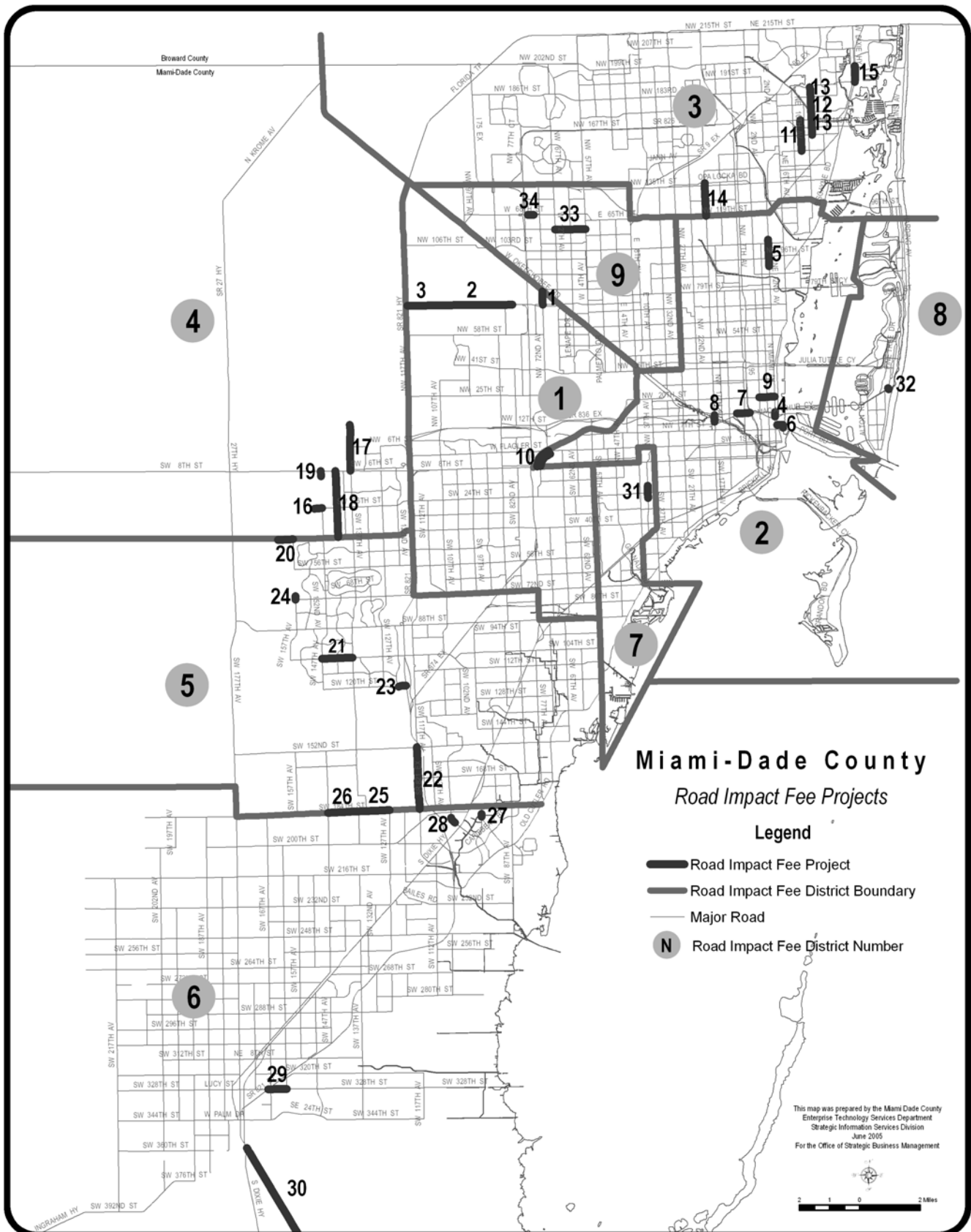
d) *Payment timing and methodology and provisions for lack of payment.*

Payment is due upon 50 percent occupancy of the net rentable area or issuance of the first temporary permit or the final certificate of occupancy, whichever comes first. If the fee is not paid on time, Muni receives a lien on the property for the amount of the fee outstanding, plus interest and penalties. If the lien is not paid in 30 days (60 days for missed installment), a special assessment lien is then placed on the property. This lien is on parity with all other state, county, and municipal taxes, and the amount is included in the property tax bill (and can therefore be recovered under foreclosure of the property). If a building or a portion of it is no longer used for office space, a pro-rated portion of the TIDF must be returned.

Lessons Learned

- The impact fee ordinance should be airtight.
- Perform plenty of studies before adopting legislation.
- Involve the public in hearings.
- Write the language of the ordinance to stand up to law suits.

FY 2005 - 06 Proposed Resource Allocation and Multi-Year Capital Plan



FY 2005 - 06 Proposed Resource Allocation and Multi-Year Capital Plan

Projects Funded With Road Impact Fees

1. NW 72 Ave from NW 74 St to Okeechobee Rd
2. NW 74 St from NW 87 Ave to NW 82 Ave
3. NW 74 St from H.E.F.T. to NW 87 Ave
4. NE 2 Ave from NW 14 St to NW 12 St
5. NE 2 Ave from NE 91 St to NE 105 St
6. NE 8 St/ Bayshore Dr from Biscayne Blvd to Port Blvd
7. NW 14 St from NW 10 Ave to I-95
8. NW 17 Ave Bridge over the Miami River
9. N 20 St from NW 2 Ave to NE 2 Ave
10. Tamiami Canal Rd and Tamiami Blvd from SW 8 St to Flagler St
11. NE 12 Ave from NE 151 St to NE 167 St
12. NE 15 Ave from NE 163 St to NE 170 St
13. NE 15 Ave between NE 159 St to 163 St and NE 170 St to Miami Gardens Dr
14. NW 17 Ave from NW 119 St to Opa Locka Blvd
15. Miami Gardens Drive Connector from US-1 to William Lehman Causeway
16. SW 26 St from SW 149 Ave to SW 147 Ave
17. W 137 Ave from SW 8 St to NW 12 St
18. SW 142 Ave from SW 42 St to SW 8 St
19. SW 147 Ave from SW 8 St to 600' south
20. SW 42 St from SW 157 Ave to SW 162 Ave
21. SW 104 St from SW 147 Ave to SW 137 Ave
22. SW 117 Ave from SW 184 St to SW 152 St
23. SW 120 St Bridge over Black Creek Canal
24. SW 157 Ave from SW 72 St to SW 70 St
25. SW 184 St from SW 137 Ave to SW 127 Ave
26. SW 184 St from SW 147 Ave to SW 137 Ave
27. SW 97 Ave Bridge over Black Creek Canal
28. SW 107 Ave Bridge over C-102 Canal
29. SW 328 St from US-1 to SW 162 Ave
30. Card Sound Rd from US-1 to Miami Dade/ Monroe County Line
31. Ponce De Leon Blvd from Almeria Ave to Alcazar Ave
32. Dade Blvd/ 23 St Bridge Replacement
33. W 60 St from W 12 Ave to W 4 Ave
34. W 68 St from W 19 Ct to W 17 Ct

Innovative Impact Fees

Atlanta, GA	Roads	Fee reduced by 50% within 1/4 mile of mass transit station based on assumed higher transit usage (no hard data)
Boise, ID	Roads	Fees charged by Ada County Highway District originally higher in rural areas due to higher trip lengths, but subsequently amended to have county-wide residential fee and to incorporate lower ROW costs, resulting in nonresidential fees often being higher in Boise
Broward County, FL	Roads	Fee for each development based on computer model of impacts of all trips generated by development
Cary, NC	Roads	City sets aside 25% of each year's revenues to reimburse developers for excess contributions beyond impact fee credits for their projects
Chandler, AZ	Roads	City subsidizes retail fee with other funds in order to keep retail fee lower and retain ability to attract sales tax generating businesses (for 100,000 sq. ft. center fee would be \$748,000 but City pays \$348,000 to reduce fee to \$388,000)
Clark County, NV	Roads	Per Sec. 278.710, N.R.S., transportation development tax at maximum rate of \$500 per single family dwelling unit and 50 cents per square foot of other new development
Fort Collins, CO	Roads	Fee excludes developer's local road equivalent obligation based
		on improvements-driven methodology, and no credit given for
		such improvements
Jefferson Co., CO	Roads	Higher fee for single-family units with 3+ car garage
Lake Co, FL	Roads	Fees vary based on bedrooms and unit type
Larimer County, CO	Roads	Fee for impacts on County roads that primarily serve travel between cities of Fort Collins and Loveland are assessed within the cities and remitted to County
Lenexa, KS	Roads	Excise tax of 15 cents/sq. ft. of plat area
Loveland, CO	Roads	25% fee reduction by-right for projects meeting criteria for mixed-use

Innovative Impact Fees

Reno, NV	Roads	Consumption-based regional road impact fee for Reno, Sparks and Washoe County includes intersection component based on average turning movements added by typical intersection improvement and system-wide ratio of turning movements to vehicle-miles
Sacramento, CA	Roads	Construction tax based on 0.8% of value
Weld County, CO	Roads	Reflecting rural characteristics, fees in two growth areas based on capacity added by paving gravel roads, increasing shoulder and lane widths on substandard 2-lane roads, and improving rural to urban cross-sections, as well as new roads and projects that add lanes to existing roads
San Francisco, CA	Transit	\$5/sq. ft. fee applies only to office development in C-3 district, can be used for operations as well as capital—fee litigated in Russ Bldg Partnership v. City and County of San Francisco (1987)

LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO RECOUPING THE COSTS OF TRAINING EMPLOYEES WHO LEAVE COUNTY EMPLOYMENT.

Commissioner Barbara Carey-Shuler, Ed.D.

I. SUMMARY

This Resolution directs the County Manager to develop a procedure for the County to be reimbursed for training costs from police officers, correctional officers and firefighters who voluntarily terminate employment with the County within two (2) years of receiving the training and to negotiate for the inclusion of such a procedure in the County's collective bargaining agreements.

II. PRESENT SITUATION

Miami-Dade County employees have the opportunity to apply for various types of training upon the department director's approval. The training costs are paid by each department's individual budget. Training enhances employees' skills, improves their performance, prepares them for increased responsibilities and augments the County's delivery of services the residents. Presently, there is no obligation to remain employed with the County after receiving training.

Pursuant to Administrative Order No. 7-4 approved by the Board of County Commissioners on August 27, 1963, County employees are eligible for the Tuition Refund Program. This program entitles employees enrolled in approved coursework from accredited educational institutions, reimbursement for 50% of their tuition costs.

Currently, all employees receiving tuition refunds are obligated to remain employed with the County for a minimum of one (1) year following completion of the coursework. Employees voluntarily terminating their employment with the County prior to fulfilling the one (1) year obligation will reimburse the County for refunds received during the final year of employment through payroll deductions from their final payroll check. If the final paycheck is insufficient, the employee is still responsible for reimbursing the County.

III. POLICY CHANGE AND IMPLICATION

This Resolution initiates the development of a plan to minimize the impact caused by police officers, correctional officers and firefighters voluntarily terminating employment shortly after receiving costly training.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

- Will this procedure specify what type of training will have to be reimbursed?
- Will this procedure also pertain to County mandated training? (i.e. ethics training, customer service related training etc.)
- Will there be exceptions on a case-by-case basis for employees who although voluntarily terminate employment have a good reason? (i.e. illness of a family member, relocation of a spouse etc.)

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
1(D)1 1(D)2 1(D)3	<ul style="list-style-type: none"> • Sunset Review for County Boards- Cultural Affairs Council • Sunset Review for County Boards- Historic Preservation Board • Sunset Review for County Boards- Film and Entertainment Advisory Board 	<ul style="list-style-type: none"> • As of October 14, 2005, there are currently 94 Active Miami-Dade County Boards. • The following issues were discussed during the October 12, 2005, Intergovernmental, Recreation and Cultural Affairs Committee (IRCAC) <ol style="list-style-type: none"> 1. The members expressed their concern regarding the lack of quorum for many board meetings and its adverse impact on the productivity and efficiency of those boards. 2. The members also expressed their concerns with board vacancies, the restrictions placed on Commissioners when making board appointments due to prerequisites or special knowledge the appointees must have, and the lack of notice provided to them when there are board vacancies to fill. 3. Vice Chairman Moss acknowledged that the Government Structure Task Force would be looking at the County Boards, reviewing their performance, and addressing any additional concerns expressed by the BCC. 4. The Office of Commission Auditor is currently preparing an audit report for the BCC regarding the Miami-Dade County Boards. The release date for the audit is currently pending.
12(A)1	<ul style="list-style-type: none"> • Administrative Order 3-42 Evaluation and Suspension of Contractors & Consultants 	<p>This AO provides for a 5 seat Firm Performance Review Committee.</p> <ul style="list-style-type: none"> ○ Chairperson- Director of Office of Capital Improvements (or designee);

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
		<ul style="list-style-type: none"> ○ (2) County employees with construction process experience; ○ (1) Construction Manager; ○ (1) Professional Engineer or Licensed Architect designated by the Department of Business Development or appointed by the County Manager at the BCC Chairperson's request. ● Two (2) of the Committee members must meet the prerequisite of having "construction process experience". This term may be too broad. The term does not specify the level of expertise or special knowledge an appointee for this Committee seat should possess. ● Would the Committee membership be enhanced with additional members covering various areas of expertise given the diversity and complexity of the County's construction projects? For example: electrical engineer, civil engineer, etc. ● How will the Firm Performance Review Committee be reporting their findings back to the BCC? ● Will they be reporting to any particular BCC Committee?